

Application Number 10/511478  
Response to the Office Action mailed April 15, 2009

### **REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claim 2 is canceled without prejudice or disclaimer. Claims 1 and 5 are amended; Applicants have not added new matter. Support for the amendment to claim 1 is given in Figure 1 and in the specification at page 6, lines 24-32. Support for the amendment to claim 5 is given on page 3, lines 6-7. Applicants request the Examiner enter the amendments because they put the application in better condition for allowance and/or appeal and because further consideration and/or a new search are not required. Claims 1, 3-8 are pending.

#### **The objection to claim 5**

Claim 5 is amended to remove the informal objection and to recite the source of the polyparaxylylene layer. Applicants submit that the amendment overcomes the objection.

#### **The rejection under 35 U.S.C. §103(a)**

Applicants traverse the rejection of claims 1 and 3-5 as being obvious over Crowley '825 in view of Abe '673, the rejection of claims 6-7 as being obvious over Crowley '825 in view of Abe '673 and Law '853, and the rejection of claim 8 as being obvious over Crowley '825, Abe '673 and Verdonk '961.

Claim 1 sets forth the structural features of the grip portion relative to the insertion portion and the structure of the elastic reserve tank relative to the grip portion. Crowley '825 does not teach or hint of a grip portion distal from the foremost end of the insertion portion. Applicants maintain that Crowley '825 does not teach any grip portion but rather teaches a catheter placed entirely within a body. The rejection responds that the catheter of Crowley '825 must inherently have a grip portion to put the catheter into the body. Applicants maintain that the Examiner is not free to read features into the prior art which are not disclosed and request that the Examiner state with specificity where the grip portion is disclosed in Crowley '825.

Application Number 10/511478  
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The elastic reserve tank as set forth in claim 1 is disposed inside the grip portion and thus is not influenced by an external force. When the pressure of the sound propagation liquid changes, the elastic reserve tank disposed inside a wall of the grip portion allows the change in the pressure of the sound propagation liquid to be absorbed by an elastic force thereof so that the pressure and hence the ultrasound waves are maintained.

The rejection at page 3 states that Crowley '825 discloses an elastic reserve tank as an interior chamber of a disposable catheter sheath 12. The rejection at page 6 surmises that the flexible catheter sheath of Crowley absorbs pressure changes of the charged sound propagation fluid and that "if the prior art structure is capable of performing an intended use, then it meets the claim." The flexible catheter sheath of Crowley '825 does not and is not capable of absorbing changes of pressure of the sound propagation fluid, as set forth in claim 1. The catheter sheath of Crowley '825 is inserted into a blood vessel wherein the pressure of the sound propagation liquid in the catheter sheath changes in an irregular manner from external influences such as changes in blood pressure and contact thereof with blood vessel walls and plaque thereon, etc. If the catheter sheath of Crowley '825 has the same function as that of the elastic reserve tank of the present application to absorb pressure changes of the sound propagation liquid, it follows that the catheter sheath is deformable also by changes of pressure from the sound propagation liquid. But in actuality, the catheter sheath of Crowley '825 constitutes an outer wall of the catheter and therefore is deformed by an external pressure that is also applied to the sound propagation liquid. Accordingly, the flexible catheter sheath of Crowley '825 cannot have the effect of the claimed invention, i.e., the effect of absorbing the change in the pressure of the sound propagation liquid to maintain the pressure inside the sound window.

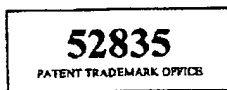
Thus the claimed invention is not obvious over Crowley '825 even in view of Abe 673 or Law '853 or Verdonk '961, none of which includes any mention of an elastic reserve tank. Applicants request entry of the amendments, withdrawal of the rejection of claims 1 and 3-5 as being obvious over Crowley '825 in view of Abe '673. Applicants further request withdrawal of the rejections of claims 6-7 and claim 8 as being obvious

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over the combination of Crowley '825, Abe '673, Law '853 and Crowley '825, Abe '673 and Verdonk '961, respectively, at least by virtue of their dependence upon claim 1. Applicants do not concede the correctness of these rejections.

Applicants request an early allowance of this application. If there are any remaining issues that can be easily resolved with a telephone call, the Examiner is invited to call the attorney of record, Mr. Douglas P. Mueller at 612. 455.3804.

Respectfully submitted,



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